

Access to the Outdoors for Livestock

7 C.F.R. 205. 239 sets forth the living condition requirements for livestock seeking to be certified as organic under the National Organic Standards (NOS). This section requires that accommodation of an animal's health and natural behavior form the foundation of any organic livestock management strategy. Producers are required to balance the accommodation of an animal's health and natural behavior with ensuring an animal's health, safety or well-being is not jeopardized. Because livestock operations are inherently complex and determining the proper balance difficult on a daily basis, the National Organic Program has received numerous inquiries from producers and accredited certifying agents (ACA) regarding the documentation required to justify the use of temporary confinement.

A. What is access to the outdoors?

Access to the outdoors simply means that a producer must provide livestock with an opportunity to exit any barn or other enclosed structure. Access to the outdoors does not require a producer to comply with a specific space or stocking rate requirement. Neither does the requirement mandate that an entire herd or flock have access to the outdoors at any one time nor does the requirement supercede the producer's responsibility for providing living conditions that accommodate livestock health, safety or well-being.

B. Documenting and justifying the use of temporary confinement.

To provide evidence of compliance, producers must submit to an ACA a clear and verifiable organic production system plan. Producers and ACAs should remember that the organic system plan forms the fundamental basis for compliance with the NOS. Hence, producers and ACAs must closely consult with each other to ensure any vagueness or uncertainties are removed from the plan so that potential enforcement actions occur with minimal contention or confrontation.

The conditions in which temporary confinement will occur should be supported and documented through historical data, research literature, educational material and/or producer experience with the applicable species. For example, historical weather data could be used to justify temporary confinement during certain months in order to ensure an animal's health, safety or well-being is not jeopardized. Further, a producer could use research literature to show that a decision to limit access to the outdoors until sufficient feathering has occurred is rational, prudent and in keeping with humane animal management practices. In the same vein, a producer could utilize his or her own experience supported by research data to show that confinement during peak water fowl migration is a reasonable approach in preventing catastrophic health problems caused from outside exposure to disease vectors.

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